

**REMARKS**

Please reconsider the application in view of the above amendments and the following remarks. Applicant thanks the Examiner for carefully considering this application.

**Disposition of Claims**

Claim 21 is pending in this application.

**Claim Amendments**

Claim 21 is amended by this reply. Support for these amendments may be found in the specification at page 3, line 7 and page 10, lines 23-28. No new matter is added by way of this reply.

**Rejections under 35 U.S.C. § 103**

Claim 21 is rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,941,983 to Coates et al. ("Coates"). This rejection is respectfully traversed.

Independent claim 21 recites a drilling fluid comprising an oleaginous fluid, wherein the oleaginous fluid is the continuous phase of the drilling fluid and wherein the oleaginous fluid comprises from about 30% to about 95% by volume of the drilling fluid and the oleaginous fluid of a material selected from a group consisting of diesel oil, mineral oil, synthetic oil, esters, ethers, acetals, di-alkylcarbonates, olefins, and combinations thereof; a non-oleaginous fluid, wherein the non-oleaginous fluid is the discontinuous phase of the drilling fluid, wherein the non-oleaginous fluid comprises from about 5% to about 70% by volume of said drilling fluid and the non-oleaginous fluid is selected from the group consisting of fresh

water, sea water, a brine containing organic or inorganic dissolved salts, a liquid containing water-miscible organic compounds, and combinations thereof; an organophilic clay, wherein the organophilic clay is present in a concentration of about 0.1% to about 6% by weight; a primary emulsifier wherein the primary emulsifier is an amidoamine and is present in a concentration of 7 to 8 pounds per barrel; a secondary emulsifier, wherein the secondary emulsifier is an oleic acid based wetting agent and is present in a concentration of 1 to 2 pounds per barrel; a weighting agent, wherein the weighting agent or bridging agent is selected from the group consisting of galena, hematite, magnetite, iron oxides, illmenite, barite, siderite, celestite, dolomite, calcite and combinations thereof; and a rheology modifier, wherein the rheology modifier is a mixture of C<sub>12</sub> to C<sub>22</sub> poly-carboxylic fatty acids, including at least a dimer poly-carboxylic C<sub>12</sub> to C<sub>22</sub> fatty acid, and a trimer poly-carboxylic C<sub>12</sub> to C<sub>22</sub> fatty acid, wherein the mixture of poly-carboxylic fatty acids is added in sufficient concentration so that the trimeric poly-carboxylic fatty acid concentration in the drilling fluid is greater than 0.1 pounds per barrel and is up to 5.0 pounds per barrel.

Coates discloses a fluid loss additive for oil-based well-working fluids, wherein the fluid loss additive comprises the product of mixing, in an oil or oil-based liquid (i) lignite or humic acid (“component (i)”), (ii) (a) an oil-soluble or oil-dispersible amine or amine salt, preferably cyclic amine or a salt thereof, amide-amine or salt thereof, amphoteric amine or salt thereof or partially quaternized amine or salt thereof containing at least one C<sub>1-22</sub> alkyl, C<sub>2-22</sub> alkenyl or C<sub>1-22</sub> acyl group; or a tertiary amine ester (“component (iia)”) and/or (b) an aliphatic amide or hydroxyamide, or a cyclic derivative thereof, containing no primary or secondary amine or amine salt groups (“component (iib)”) and/or (c) an oil-soluble or oil-dispersible amine salt, containing at least one C<sub>1-22</sub> alkyl, C<sub>2-22</sub> alkenyl or C<sub>1-22</sub> acyl group partially or fully

converted to salt form with phosphoric acid (“component (iic”), and (iii) a dimer and/or trimer fatty acid (“component (iii)”). *See* col. 2, lines 20-42.

Applicant respectfully notes that amended independent claim 21 incorporates claim language proposed by the Examiner in the Office Action. In particular, amended independent claim 21 requires, in part, a primary emulsifier that is an amidoamine that is present in a concentration of 7 to 8 ppb, and a secondary emulsifier based on oleic acid that is present in a concentration of 1 to 2 ppb.

Applicant asserts that Coates does not disclose or suggest either an amidoamine present in a concentration of 7 to 8 ppb or an oleic acid present in a concentration of 1 to 2 ppb.

A *prima facie* case of obviousness requires that all claim elements and limitations be taught or suggested by the prior art. See *In re Royka*, 490 F.2d 981 (CCPA 1974); MPEP §§ 706.02(j), 2143.03. If even a single claim limitation is not taught or suggested by the prior art, then that claim cannot be obvious over the prior art. *Id.* Therefore, because Coates does not show or suggest every claim element in claim 21, claim 21 is patentable over Coates. Accordingly, withdrawal of this rejection is respectfully requested.

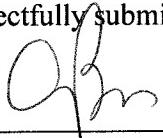
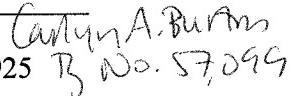
**Conclusion**

Applicant believes this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number [05542/073001]).

Dated: September 30, 2010

Respectfully submitted,

By

  
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Attachments